

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 77

Introduced by Hartnett, 45

Read first time January 9, 2003

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the State Fire Marshal; to amend section
2 81-15,121, Reissue Revised Statutes of Nebraska, and
3 sections 28-1239.01, 28-1246, and 81-505.01, Revised
4 Statutes Supplement, 2002; to change fees; to provide
5 requirements for display fireworks; and to repeal the
6 original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1239.01, Revised Statutes
2 Supplement, 2002, is amended to read:

3 28-1239.01. (1) No person shall conduct a public
4 exhibition or display of fireworks without first procuring a
5 display permit from the State Fire Marshal. If the applicant is an
6 individual, the application for a display permit shall include the
7 applicant's social security number. Such application for a display
8 permit shall be accompanied by a fee of ~~ten~~ fifteen dollars. ~~to be~~
9 ~~deposited in the State Fire Marshal Cash Fund.~~

10 (2) No person shall actually discharge or ignite display
11 fireworks unless he or she has successfully passed the State Fire
12 Marshal's fireworks display operator examination or possesses a
13 valid license from a recognized national pyrotechnic organization.
14 Application for the examination shall be made to the State Fire
15 Marshal on a form prescribed by him or her. Each application shall
16 be accompanied by a fee of ten dollars.

17 (3) Fees received pursuant to this section shall be
18 remitted to the State Treasurer for credit to the State Fire
19 Marshal Cash Fund.

20 (4) No display fireworks shall be sold or delivered by a
21 licensed distributor to any person who is not in possession of an
22 approved display permit. Sales of display fireworks to persons
23 without an approved display permit shall be subject to sections
24 28-1213 to 28-1239.

25 Sec. 2. Section 28-1246, Revised Statutes Supplement,
26 2002, is amended to read:

27 28-1246. (1) It shall be unlawful for any person to
28 sell, hold for sale, or offer for sale as a distributor, jobber, or

1 retailer any fireworks in this state unless such person has first
2 obtained a license as a distributor, jobber, or retailer.
3 Application for each such license shall be made to the State Fire
4 Marshal on forms prescribed by him or her. If the applicant is an
5 individual, each application shall include the applicant's social
6 security number. Each application shall be accompanied by the
7 required fee, which shall be five hundred dollars for a
8 distributor's license, two hundred dollars for a jobber's license,
9 and ~~twenty-five~~ thirty-five dollars for a retailer's license. Each
10 application for a license as a retailer postmarked after June 10
11 shall be accompanied by an additional fee of fifty dollars. All
12 licenses shall be good only for the calendar year in which issued
13 and shall at all times be displayed at the place of business of the
14 holder thereof.

15 (2) The funds received pursuant to this section shall be
16 remitted to the State Treasurer for credit to the State Fire
17 Marshal Cash Fund.

18 Sec. 3. Section 81-505.01, Revised Statutes Supplement,
19 2002, is amended to read:

20 81-505.01. (1) The State Fire Marshal shall establish
21 and assess fees not to exceed the actual costs for the performance
22 of services by the State Fire Marshal or by qualified local fire
23 prevention personnel to whom the State Fire Marshal has delegated
24 authority to perform such services. Prior to establishing or
25 altering such fees, the State Fire Marshal shall hold a public
26 hearing on the question of the adoption of or change in fees.
27 Notice of such hearing shall be given at least thirty days prior
28 thereto (a) by publication in a newspaper having general

1 circulation in the state and (b) by notifying in writing the head
2 of any agency or department having jurisdiction over facilities
3 that would be subject to the fees. Fees for services performed by
4 the State Fire Marshal shall be paid to the State Fire Marshal and
5 shall be remitted to the State Treasurer for credit to the State
6 Fire Marshal Cash Fund. Fees for services performed by local fire
7 prevention personnel shall be paid directly to the office of the
8 local fire prevention personnel.

9 (2) The fee for inspection for fire safety of any
10 premises or facility pursuant to section 81-502 shall be not less
11 than twenty-five nor more than one hundred fifty dollars and shall
12 be paid by the licensee or applicant for a license. The fee for
13 inspection for fire safety of the same premises or facility made
14 within twelve months after the last prior inspection shall be not
15 less than twenty-five nor more than one hundred fifty dollars and
16 shall be paid by the licensee or applicant for a license. The fees
17 for inspection for fire safety of foster family homes as defined in
18 section 71-1902 may be paid by the Department of Health and Human
19 Services.

20 (3) The fee for providing investigation reports to
21 insurance companies shall not exceed three dollars for each report
22 provided. The State Fire Marshal may charge an amount not to
23 exceed the actual cost of preparation for any other approved
24 information release.

25 (4) (a) Except as provided in subdivision (b) of this
26 subsection, the fee for reviewing plans, blueprints, and shop
27 drawings to determine compliance with rules and regulations adopted
28 and promulgated pursuant to section 81-502 shall be assessed

1 according to the following schedule:

2 TOTAL VALUE OF PROPOSED

3 STRUCTURE OR IMPROVEMENT

FEE

4 ~~\$1 - \$5,000~~

~~\$5.00~~

5 ~~\$5,001 - \$25,000~~

~~\$5.00 for the first \$5,000.00 plus~~

6

~~\$2.00 for each additional \$5,000.00~~

7

~~or fraction thereof.~~

8 ~~\$25,001 - \$50,000~~

~~\$15.00 for the first \$25,000.00 plus~~

9

~~\$2.00 for each additional \$5,000.00~~

10

~~or fraction thereof.~~

11 ~~\$50,001 - \$100,000~~

~~\$25.00 for the first \$50,000.00 plus~~

12

~~\$1.00 for each additional \$5,000.00~~

13

~~or fraction thereof.~~

14 ~~\$100,001 - \$200,000~~

~~\$35.00 for the first \$100,000.00~~

15

~~plus \$1.00 for each additional~~

16

~~\$10,000.00 or fraction thereof.~~

17 ~~\$200,001 or more~~

~~\$50.00 for the first \$200,000.00~~

18

~~plus \$1.00 for each additional~~

19

~~\$10,000.00 or fraction thereof,~~

20

~~except that the total fee shall~~

21

~~not exceed \$500.00.~~

22 \$1 - \$5,000

\$6.25

23 \$5,001 - \$25,000

\$6.25 for the first \$5,000.00 plus

24

\$2.50 for each additional \$5,000.00

25

or fraction thereof.

26 \$25,001 - \$50,000

\$18.75 for the first \$25,000.00 plus

27

\$2.50 for each additional \$5,000.00

28

or fraction thereof.

1	<u>\$50,001 - \$100,000</u>	<u>\$31.25 for the first \$50,000.00 plus</u>
2		<u>\$2.50 for each additional \$5,000.00</u>
3		<u>or fraction thereof.</u>
4	<u>\$100,001 - \$200,000</u>	<u>\$43.75 for the first \$100,000.00</u>
5		<u>plus \$2.50 for each additional</u>
6		<u>\$10,000.00 or fraction thereof.</u>
7	<u>\$200,001 or more</u>	<u>\$62.50 for the first \$200,000.00</u>
8		<u>plus \$2.50 for each additional</u>
9		<u>\$10,000.00 or fraction thereof,</u>
10		<u>except that the total fee shall</u>
11		<u>not exceed \$625.00.</u>

12 (b) The fees set out in subdivision (a) of this
13 subsection shall not be assessed or collected by any political
14 subdivision to which the State Fire Marshal has delegated the
15 authority to conduct such review and which reviews plans,
16 blueprints, or shop drawings to determine compliance with such
17 political subdivision's own fire safety regulations. Nothing in
18 this subdivision shall be construed to prohibit such political
19 subdivision from assessing or collecting a fee set by its governing
20 board for such review.

21 (c) An additional fee equal to fifty percent of the fee
22 charged pursuant to subdivision (a) of this subsection shall be
23 assessed for reviewing plans, blueprints, and shop drawings to
24 determine compliance with the accessibility standards and
25 specifications adopted pursuant to section 81-5,147, except that
26 the additional fee assessed pursuant to this subdivision shall not
27 exceed ~~two hundred fifty~~ three hundred twelve dollars and fifty
28 cents.

1 Sec. 4. Section 81-15,121, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-15,121. (1) A person shall not (a) maintain or use
4 any tank for the storage of regulated substances, (b) install any
5 new tank, or (c) permanently close a tank without first securing a
6 permit from the State Fire Marshal.

7 (2) A fee shall not be charged for a permit under
8 subdivision (1)(a) or (c) of this section. The fee for a permit
9 for installation shall be fifty dollars. The State Fire Marshal
10 shall remit the fee to the State Treasurer for credit to the
11 Underground Storage Tank Fund.

12 (3) All owners of operating tanks, except those provided
13 for in subsection (4) of this section, shall annually register each
14 tank. All registration permits shall expire on December 31 of the
15 year for which the permit was issued. The registration fee shall
16 be ~~thirty~~ forty dollars per tank. The State Fire Marshal shall
17 remit the fee to the State Treasurer for credit to the Underground
18 Storage Tank Fund. Such permits shall contain the information
19 specified in subsection (5) of this section.

20 (4) In the case of tanks permanently abandoned on or
21 after January 1, 1974, an annual permit shall not be required and
22 an initial registration permit shall be sufficient.

23 (5) The application for a registration permit shall be
24 provided by and filed with the State Fire Marshal's office and
25 shall require, but not be limited to, the following information:

26 (a) The date the tank was placed in or taken out of
27 operation;

28 (b) The age of the tank;

1 (c) The size, type, and location of the tank; and

2 (d) The type of substances stored in the tank and the
3 quantity of such substances remaining in the tank if the tank has
4 been permanently closed.

5 (6) The registration permit fee collected pursuant to
6 this section shall be deposited in the Underground Storage Tank
7 Fund which is hereby created as a cash fund. The fund shall also
8 consist of any money appropriated to the fund by the state. The
9 fund shall be administered by the State Fire Marshal to carry out
10 the purposes of the Petroleum Products and Hazardous Substances
11 Storage and Handling Act. Any money in such fund available for
12 investment shall be invested by the state investment officer
13 pursuant to the Nebraska Capital Expansion Act and the Nebraska
14 State Funds Investment Act.

15 Sec. 5. Original section 81-15,121, Reissue Revised
16 Statutes of Nebraska, and sections 28-1239.01, 28-1246, and
17 81-505.01, Revised Statutes Supplement, 2002, are repealed.